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ABSTRACT

During the period from 1630 to 1690, the Puritans were not arbitrary oppressors of free speech. They believed that public expression was valuable and necessary. They restricted only ungodly print or speeches by heretics and blasphemers. Within the boundaries of godly expression, Puritans encouraged discussion for the better enlightenment of mankind. The rule that free expression should be a blessing to society occasionally backfired as people such as John Palmer accused them of silencing free speech. However, Palmer was supporting a governor whose basis for governing was the squelching of political expression and the silencing of Puritan religious ministry. Puritans did restrict the press enough so that Quaker prints which lashed out against New England had to be printed in Philadelphia or London. However, the Puritans allowed the press at Harvard College, which they controlled, to publish other opposition pieces. Although historians sometimes jump to the conclusion that the Puritans had no interest in free expression, the Puritans' printed works show toleration and encouragement of free speech and free press within certain limits. So long as free speech did not abridge religion, free expression was both a treasure and a prize, a tool for learning and a means of debate. (Sixty-seven notes are included.) (RS)

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America's Puritan Press, 1630-1690: The Value of Free Expression

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America's Puritan Press, 1638-1690:
The Value of Free Expression

Printer Stephen Day was proud. Very proud. On this invigorating day in March of 1638,[1] the types were set for the first time, the press had been freshly inked for its premier performance, and soon Cambridge readers would be holding a crisp, new broadside in their hands. It would be the first item ever printed in English America.

That first printed broadside, entitled "The Oath of a Free-man," explained the rights and duties of citizens in the Puritan haven of Massachusetts. For the New England Puritans who were busy constructing their city on a hill for all the world to see,[2] the Oath was a reminder of the ideal relationship between a man and his government.

With the printing of the "Oath," Americans had to begin looking thoughtfully at free expression. Mechanically, they could now publish literary works without relying on presses an ocean away in England. That fact, in turn, plunged them deeply into the struggle to define free expression. As the printing industry unfolded from Day's first broadside in 1638 to America's first newspaper in 1690, Massachusetts Puritans sculpted their ideas about what information should be freely expressed and what information should be kept private.

As shown by their publications during that period, the Puritans of Massachusetts Bay believed that they had a right -- in fact, a *duty* -- to discuss ideas openly, providing those discussions did not blatantly slap at God. As long as they avoided heresy, Puritans

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[1]Charles Evans' bibliography of American prints was an excellent guide to locating most of the early prints mentioned in this paper. See Charles Evans, *American Bibliography*, Vol. 1: 1639-1729 (Chicago: Blakely Press, 1903). Evans made comments on some works, noting their fate or their significance. According to Evans, no original copies of Day's first print survive. Thus, the exact date of publication is unknown, but Evans is sure that Day printed the work in March of either 1638 or 1639. See Evans entry #1. Extant prints to which Evans refers are preserved on Readex Microprint in Clifford K. Shipton, ed., *Early American Imprints, 1639-1800* (Worcester, Mass.: American Antiquarian Society).

[2]Puritan leader John Winthrop adopted the "city on a hill" phrase from Matthew 5:14 in a lay sermon he delivered aboard the ship *Arabella* while it was still at sea in 1630. See John Winthrop, "A Model of Christian Charity," in Alan Heimert and Andrew Delbanco, eds., *The Puritans in America* (Cambridge, Mass.: Harvard University Press, 1985), p. 91.

enjoyed a lively exchange of ideas on religious and secular topics. Their laws guaranteed such an exchange, and most of their leaders encouraged it.

Literature Review

Over the years, many historians have studied the colonial era in connection with the concept of freedom of expression. Almost universally, they have concentrated on the relatively infrequent court clashes over free expression, overlooking the hundreds of noncontroversial prints which defined the right to speak or publish freely.[3] And just as universally, scholars have seen freedom of expression from the traditional libertarian viewpoint. They have defined free speech and free press as the right of speakers and authors to say *whatever* they want, *whenever* they want, with little or no governmental restriction. To those historians, the American press of the seventeenth century was a barren nightmare of governmental licensing and censorship.

Clyde Duniway, for instance, cited several court actions on free expression between 1638 and 1690. His work uncovering old court cases was valuable, but he did not study the publications of the era. Through the court system, Duniway traced the evolution of freedom of the press in Massachusetts from those earliest times into the twentieth century. Duniway saw the Massachusetts Puritans as restrictive and oppressive.[4]

Edward G. Hudon felt that a free press was a prerequisite to achieving democracy. Like Duniway, Hudon studied the development of press freedom by concentrating on court battles over free expression. Since seventeenth century Americans employed censorship

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[3]See Wilfred J. Ritz, compiler, *American Judicial Proceedings First Printed Before 1801: An Analytical Bibliography* (Westport, Conn: Greenwood Press, 1984). Ritz's bibliography of all published law cases in America before 1801 lists only eight cases published in Massachusetts before 1690, and three of those relate to free expression. The bibliography includes all non-newspaper writings about court cases, but it is does not mention unpublished cases. However, the list indicates the infrequency of court actions regarding free expression, especially when compared to the fact that Evans chronicled approximately 545 publications in Massachusetts prior to the appearance of the first newspaper in 1690.

[4]Clyde Augustus Duniway, *The Development of Freedom of the Press in Massachusetts* (New York: Longmans, Green, and Co., 1906), particularly Chapter III, "Supervision of the Press, 1638-1662," pp. 22-40, and Chapter IV, "Restrictive Censorship, 1662-1685," pp. 41-64.

and licensing of the press, Hudon concluded that people of the era did not enjoy freedom of expression.[5]

One of the most influential press historians, Leonard Levy, concluded that early Americans were enemies to press freedom. He offered this definition of a free press: "So long as the press *may* be subjected to government control, whether or not that control is exercised, the press cannot be free -- or is not as free as it should be." Using that frame of reference, Levy saw colonial presses as shackled and oppressed, for colonial governments considered it a duty to regulate the press. Levy came to his conclusion after studying court cases involving the press from 1638 to 1690.[6]

While court cases on freedom of expression helped produce publicized policy about the matter, the very fact that there *were* court battles points out that somewhere out there, someone besides the court had a pre-existing idea of what free expression meant. But what was that idea?

Colonial Massachusettsans definitely had a concept about what was fit to print. Tracts, pamphlets, books, and broadsides printed from 1638 to 1690 left a rich description of the Massachusetts Bay colonists' open attitude toward free expression.

Early Massachusetts Prints

As it turned out, Stephen Day unwittingly set forth the argument to come over freedom of expression as he pressed his types into the rough rag paper to create "The Oath of a Free-man." Freemen took the oath upon becoming voting members of Massachusetts Bay colony. The oath-taker promised that he would be true and faithful to the government of Massachusetts. The freeman also vowed to "truly endeavour to maintain and preserve all the liberties and priviledges thereof, submitting my self to the wholesome Lawes and

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[5]Edward G. Hudon, *Freedom of Speech and Press in America* (Washington, D.C.: Public Affairs Press, 1963).

[6]Leonard W. Levy, *Emergence of a Free Press* (New York: Oxford University Press, 1985). The quoted material is from page xvii.

Orders made and established by the same. And further, that *I* will not plot or practice any evill against it." The oath went on:

> Moreover, *I* doe solemnly bind my self in the sight of God, that when *I* shal be called to give my voyce touching any such matter of this State, in which Freemen are to deal, *I* will give my vote and suffrage as *I* shall judge in mine own conscience may best conduce and tend to the publike weal of the body, without respect of persons, or favour of any man.[7]

Obviously, Massachusetts expected and even encouraged its freemen to give their opinions as they saw fit. The colony counted on those opinions to help build the public good. Massachusetts Bay also valued liberty of conscience and an accompanying liberty of expression, at least in political voting. Clearly, the oath offered a liberal policy toward free expression. And yet, the oath maintained that a man must never do evil against the government. That set up a predicament for freemen who ever wanted to disagree with the government.

But in 1638, disagreement with the government was perhaps less of a problem than disagreement with God. Puritans saw their religion as the very foundation of the Massachusetts colony. They had fled England to worship God in their own way. As the dominant group in Massachusetts Bay, they felt a religious obligation to uphold rightful reverence for God. That fundamental devotion to God, however, did not diminish their political obligations as Englishmen. In fact, the Puritans' understanding of God figured into their concept of their governmental loyalties. They were still citizens of Great Britain and still quite loyal to the king. The king was still the defender of the Anglican church, and the Puritans were sure that the church could be reformed by their example.[8] As a result of

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[7]Massachusetts Bay Colony. "The Oath of a Free-man" (Cambridge: Printed by Stephen Day, 1638 or 1639). Although the Oath does not survive in its original form, a copy does survive. It is quoted here.

[8]The Puritans' desire to reform the church is apparent in a number of John Winthrop's writings. See Winthrop, "Reasons to be Considered for. . . the Intended Plantation in New England" (1629), in Heimert and Delbanco, p. 71. See also Winthrop, "A Model of Christian Charity," ibid., pp. 89-90, and quotes from Winthrop's personal papers in Loren Baritz, *City on a Hill: A History of Ideas and Myths in America* (New York: John Wiley and Sons, 1964), pp. 13 and 35.

that Puritan outlook, Massachusetts Bay had an acute awareness of God in its laws, both from English tradition and from Puritan fervor.[9]

That religious intensity shone in the book of Massachusetts laws of 1647. Among other topics, the lawbook addressed free expression, and that expression could not displease God. Any Christian, the law warned, proved his unchristianity if he committed such horrors as interrupting a preacher in church or falsely charging a minister with "any errour which he hath not taught in the open face of the Church." The law warned that any Christian who dared reproach a preacher or in any other way made "Gods wayes contemptible and ridiculous" faced the wrath of the General Court. First-time offenders would be chastised by a magistrate and bound to their good behavior. If caught a second time, the guilty party had to pay a £5 fine or suffer public humiliation. To be humiliated, the offender would stand on a stool four feet high with a paper affixed to his breast announcing he was "AN OPEN AND OBSTINATE CONTEMNER OF GODS HOLY ORDINANCE." Such an embarrassing punishment, the court reasoned, would made sure that "others may fear and be ashamed of breaking into the like wickedness."[10]

None of the offenses as spelled out in the law specifically mentioned speech or writing, but obviously, a person would have to use some form of communication in order to be caught breaking the laws. A person who kept ungodlike thoughts to himself would only be discovered by God, not man. But man could and did restrict unholy speech and writing.

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[9]The Puritans' understanding of their loyalty to the king and the importance of both their role and the king's role in defending Christianity was illustrated in a 1661 declaration of the Massachusetts colonists' rights, derived from the original charter which allowed them to settle in the New World. See "The Court's Declaration of their Rights by Charter, in 1661," (1661), reprinted in Thomas Hutchinson, *The History of the Colony and Province of Massachusetts-Bay*, ed. Lawrence Shaw Mayo (Cambridge, Mass.: Harvard University Press, 1936), pp. 439-440.

[10]Massachusetts Bay Colony. *The Book of the General Lauues and and Libertyes concerning the Inhabitants of Massachusetts.* (Cambridge: 1648), pp. 19-20. Due to the colonial habit of writing paragraphs upon paragraphs of information into titles, titles of most works mentioned in this paper have been shortened to their obvious primary title.

To underline that distinction between public speech and private thoughts, the same set of laws spoke to Jesuits, Indians, and Anabaptists, who were not to display their religions publicly. The restrictions were for the colony's survival. The court announced gravely:

> THIS *Court taking into consideration the great wars, combustions and divisions which are this day in Europe:. . .the same are observed to be raysed and fomented chiefly by the secret underminings, and solicitations of those of the Jesuiticall Order. . . .*

Jesuits' ability to speak freely in Massachusetts was therefore restricted.[11] Likewise, Indians could not "at any time *powaw*, or performe outward worship to their false gods: or to the devil in any part of our jurisdiction." Disobedient Indians had to pay £5.[12] Anabaptists were also forbidden to display their religion openly. They could not publickly condemn infant baptism or try to persuade people to their point of view.[13] Clearly, Massachusetts defenders of the church were worried about the communication of heretical beliefs to the flock. It is significant that Indians, Anabaptists, and Jesuits could presumably conduct private worship, but the open attempt to convert anyone was a grave sin.

Other restrictions flatly prevented the colonists from breaking the sacred ninth commandment against bearing false witness. Anyone over age fourteen was mature enough to have the understanding of truth and falsity. By law, therefore, teens and adults could never lie, either in voice or in published form. Liars which harmed anyone "with false news or reports" could be fined, put in the stocks, or whipped.[14]

But the lawbook was not a sour list of "thou shalt nots." It also offered some bold protections for free expression. Under 1647 law, every man, whether an inhabitant of Massachusetts or a "Forreiner," whether free or bond, had the right to come to any public

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[11]Ibid., p. 26.
[12]Ibid., p. 29.
[13]Ibid., pp. 1-2.
[14]Ibid., pp. 35-36.

court, council or town meeting. He could either speak his mind or present his views in writing. He could make a motion, complaint, or petition. If he wished, he could just seek information, or he could move any lawful question.[15]

Every legal restriction on free expression in the 1647 laws tied somehow into religion. Men had broad freedom in political expression, but no one had the freedom to condemn God. In the city on a hill, it was only natural that God come first in the writing of the human law. In that spirit, the court had defeated a 1646 petition that called for general religious toleration. The court had cited the petitioners for seditious proposals.[16] But reflecting the notion that man's earthly needs were no solid reason to clamp down on expression, magistrates in 1649 turned down a request which sought licensing of the press in order to eliminate any inconvenience to the commonwealth.[17] Political inconvenience was not a strong enough reason to restrict free expression. That policy would not always be consistent across time, but the Puritans would steadfastly think twice before allowing politics to burden expression. For example, at one point the General Court felt it should excuse an author who opposed the method of electing council members, because his intentions weren't evil. However, the court finally made the author acknowledge his mistake.[18] Another publication criticizing the form of the government made the error of attacking the Christianity of both king and Parliament; for *that* reason, the General Court censored it without a second thought. The court, however, did not seem to be disturbed by the writer's speculations on governmental structure.[19]

Because they were extremely concerned about annoying God in their speech and press, Puritans struggled with the fear that their published words were but a dull substitute

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[15]Ibid., p. 35.
[16]Duniway, p. 31.
[17]General Court action, May 1649, in *Massachusetts Archives* (manuscripts in the office of the Secretary of the Commonwealth), lviiii, II. Quoted in Duniway, p. 25.
[18]General Court action, May 1642, *Massachusetts Records*, II, pp. 5, 20, 21. Cited in Duniway, p. 29.
[19]General Court action, 22 May 1661, *Massachusetts Records*, IV, pt. ii, pp. 5-6. Quoted in Duniway, pp. 38-39.

for the Almighty. Although the majority of Massachusetts prints were religious tracts, authors continually apologized for putting their ecclesiastical words into print. The Rev. Richard Mather, for one, objected to publishing his 1652 pamphlet, "The Summe of Certain Sermons Upon Genes.: 15.6." He didn't want to flaunt his knowledge of God. Fellow Christians had absolutely begged him to have the piece printed. At first he turned them down, but they begged all the harder. Mather finally considered relenting because his work might glorify God and help God's servants. But printing was far too brash, too intense, too public. Instead the minister made a handwritten copy for the interested brethren, "*with renuall of my former objections against printing*" and told them "*to let the printing alone.*" But still they insisted. Mather finally printed the sermon, but only after thorough apology.[20]

Mather's objections showed that Puritans considered printing to be a very public matter for the public's benefit, never a private one for individual glorification. That view of printing reflected the colonists' concept of free expression. In 1652, an item was only properly expressed in public if it truly would be of help or interest to the public.

Despite their embarrassment at attempting to put God into print, Puritans felt that printing was a mighty tool for discussion. Religious heresy was the outer boundary of free speech, with Jesuits, Anabaptists, and heathen Indians falling outside the boundary. But within that limit, Massachusettsans enjoyed reading printed argument over religious topics. Every view deserved a hearing, as long as it was not so deviant as to be sinful or heretical. In fact, the Puritans had an extremely liberal outlook about opposition prints. A tract entitled "Propositions Concerning the Subjects of Baptism and Consociation of Churches" made a dramatic statement on the importance of free discussion. The court had read over the pamphlet, which detailed the controversial findings of a church synod in 1662. The

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[20]Richard Mather, "The Summe of Certain Sermons upon Genes.: 15.6" (Cambridge: printed by Samuel Green, 1652), preface. As was customary, the pages of the preface were not numbered. This paper will cite references from unnumbered prefaces as "preface."

court said emphatically that it would be folly to tolerate damnable heresies. Aside from that, however, the court was willing to let various factions publish their understanding of religious matters. As long as heretical discussion was not allowed, the court said:

> . . . *to bear one with another in lesser differences, about matters of a more difficult and controversial nature, and more remote from the Foundation, and wherein the godly-wise are not like-minded, is a Duty necessary to the peace and welfare of Religion. . . . In such things let not him that practiseth* despise him *that forbeareth, and lot not him that forbeareth* judge him *that practiseth,* for God hath received him.

The court added hastily that it did not speak of the need to consider both sides because it doubted the truth of the synod's decision.[21] The court felt the synod knew God's will on the matter. But certainly it recognized that someone other than the synod might offer a new light on baptism which would be valuable. After all, as the pamphlet so eloquently put it, free discussion of religion was an actual *duty.*

That call by the court for public discussion in print was not just a one-time fluke. Instead it was a theme. In 1663 "Another Essay for the Investigation of Truth" called for toleration of printed opinions, even those out of the mainstream. The pamphlet offered opinions on baptism which dissented with the synod of 1662. The synod had adopted a proposal that the church baptize children of godly adults who had not attained fully covenanted church membership. The hard-line minority complained that the move watered down church principles.[22] Justifying the minority opinion, the tract's "Apologetical Preface to the Reader" said pointedly that even in the early Christian church, the apostles themselves disagreed with one another. The preface writer added a note on behalf of the dissenters. Pointing out that they were few in number, he asked, "Is *Truth bound up to Number?*" The author also said:

> *Variety of Judgements may stand with* Unity of Affections. He that judgeth a Cause before he hath heard both parties speaking, although he should judge rightly,

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[21] Synod of Elders and Messengers of Churches in Massachusetts Colony, "Propositions Concerning the Subject of Baptism and Consociation of Churches" (Cambridge: printed by Samuel Green for Hezekiah Usher, 1662), preface.

[22] John Davenport, "Another Essay for the Investigation of Truth" (Cambridge: printed by Samuel Green and Marmaduke Johnson, 1663), pp. 9-23. The title page of "Another Essay" is missing. Evans gives its title. See Evans entry #78.

> is not a righteous Judge. *[Thus] We are willing that the World should see what is here presented.*

In fact, the writer said, he had a moral responsibility to make the information public so that he would not accidentally withhold the truth from mankind. The preface insisted that anything might be put before the public for discussion as long as it did not damage peace and the oneness of affection for God.[23]

"Another Essay for the Investigation of Truth" was a sterling call for free expression as an out-and-out obligation of mankind. It is significant that Samuel Green and Marmaduke Johnson, printers of the piece, operated the press at Harvard College and thus were in the direct employment of mainstream Puritans.[24] As publishers controlling the press, those mainline Puritans had every chance to suppress the opposition piece, but they allowed it. After all, as the tract explained, suppression might inadvertently mask the truth. The fact that the prominent Reverend Increase Mather sided with the minority in this case[25] proved that perhaps God wished the majority to think hard about the truth. The Puritans, who were quite convinced of their human imperfection,[26] could not, in good conscience, deny honest discussion of religious ideas. The only limits on that discussion were those which tore apart the church at its most fundamental points.

Truth to tell, "Another Essay" bothered the elders of the church. But they sat quietly, willing to let the other side have its say -- for awhile, anyway. Finally, they made their move to continue the argument. They did not squash "Another Essay," nor did they chastise the pamphlet as blasphemy or heresy. Instead, the elders lumped "Another Essay"

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[23]Ibid., preface, which was not written by Davenport. The author of the preface was anonymous.
[24]The first press which the Puritans did not control did not arrive for several more years. Duniway gives the timeline on pp. 42 and 47.
[25]Duniway, 43.
[26]That theme is constant in Puritan writings. Baritz, on p. 5, discusses the Puritans' Synod of Dort in 1618-1619, which outlined the theological point that man is basically corrupt. Individual Puritans such as Michael Wigglesworth constantly berated themselves for their lack of godliness. See journal entries of 23 March and 5 October 1653, March 1654, and 10 January 1656, in Edmund S. Morgan, ed., *The Diary of Michael Wigglesworth, 1653-1657: The Conscience of a Puritan* (New York: Harper and Row, 1946), pp. 14, 49, 81, and 98.

together with a tract called "Antisynodalia" for comment. John Allin, writing for the elders, said:

> *When the* Antisynodalia *of our Brethren came to our hands, and* Another Essay *of the same nature was here Published, some godly and wise Christians advised the* Elders *to let them pass in silence; conceiving that they would not so take with the People, as to hinder the Practice of* the Doctrine of the Synod: *and that a Reply would occasion farther Disputes and Contests. But, upon serious consideration of the matter by divers* Elders *met to that End, the* Reasons *on the other side did preponderate.*

Allin added that silence would be sinful, for many followers were inquiring about the ideas on baptism expressed in the pamphlets. Likewise, an existing ordinance said that people should consult the Assembly of Elders in disputes, but the practice was not well-established. The elders felt obliged to set a precedent for such behavior by getting into the fray. They also worried that silence on the tract would encourage the dreaded Anabaptists.[27] Clearly, the elders who responded to "Another Essay" and "Antisynodalia" had a sense of toleration of other opinions. To them, printing was a fair tool of debate, as opposed to authoritarian ranting and raving which would only cause louder dissent and deeper stubbornness.

A healthy printed debate on the baptism question continued, with the Reverend Jonathan Mitchel publishing a tract in favor of the synod. "How loth we are to enter the Lists of publick Debate with the *Brethren*," he moaned, "and such Brethren as we love and honour in the Lord, with whom we are Exiles in the same Wilderness for the same Truth. . . ."[28] Mitchel's outlook and tone were gentle. Dissenters, he felt, deserved respect, even if he disagreed with them. To Puritans such as Mitchel and the elders in 1664, freedom of expression meant a gentlemanly debate, not a harsh suppression of ideas.

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[27]John Allin, "Animadversions Upon the Antisynodalia Americana, A Treatise printed in Old England: in the Name of the Dissenting Brethren" (Cambridge: printed by Samuel Green and Marmaduke Johnson for Hezekiah Usher, 1664), preface.

[28]Jonathan Mitchel and Elders, "A Defence of the Answer and Argument of the Synod Met at Boston in the Year 1662" (Cambridge: printed by Samuel Green and Marmaduke Johnson for Hezekiah Usher, 1664), preface.

That attitude of toleration on the part of church elders extended to other realms. Even government-appointed licensers of the press tried to be broad-minded. The General Court had finally passed an ordinance for licensing to prevent "irregularitjes & abuse . . . by the printing presse" in 1662,[29] an act which mirrored the fact that licensing was in place in England.[30] Reflecting a liberal philosophy, Massachusetts licensers approved the printing of Thomas à Kempis' *The Imitation of Christ* in 1667, in spite of the title's clear indication that the work offered an earthly imitation of the Savior. Kempis even happened to be a Catholic priest. But the licensers allowed it. Ultimately, it was the court which howled angrily against both *The Imitation of Christ* and the licensers. Kempis, the court scoffed, was "a Popish minister." The court ruled that the work "contayned some things that are lease safe to be infused amongst the people of this place," and ordered that the press licensers look over the work more carefully.[31]

The court was exasperated with the licensing system. It did not always work perfectly. A year later the court had to fine printer Marmaduke Johnson £5 for producing a romantic and coarsely-written book about free sex without first getting the approval of the licensers.[32] Johnson must have taken the fine to heart, because shortly after that he printed a straight news account of the eruption of Mount Ætna "by authority."[33] Of course, Johnson was known as something of a scalawag around town; he had a terrible reputation as a romancer not too unlike the featured character in the offensive romance.[34] When

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[29] *Massachusetts Records* IV, pt. ii, p. 62. Quoted in Duniway, pp. 41-42.
[30] 13 & 14 Charles II, chapter 33. Cited in Duniway, pp. 45-46.
[31] Thomas à Kempis, *The Imitation of Christ* (Cambridge: printed by Samuel Green, 1667). Evans gives the work's legal history. See Evans entry #114.
[32] Henry Nevile, *The Isle of Pines, or a late discovery of a fourth Island in Terra Australis, Incognita, By Henry Cornelius Van Sloetten* (Cambridge: printed by Marmaduke Johnson, 1668). Nevile's name may actually have been spelled "Neville." The romance is quoted in Felice Flanery Lewis, *Literature, Obscenity, and Law* (Carbondale: Southern Illinois University Press, 1976), p. 3. The story involved a shipwrecked white man who had a large number of illegitimate children with four woman, one of them a Negro slave. Johnson confessed to printing the work in Marmaduke Johnson, "To the honorable Councill of the Commonwealth," September 1668, *Massachusetts Archives*, lviii, p. 63. Quoted in Duniway, pp. 52-53.
[33] Earl of UUinchilsea, "A True and Exact Relation of the Late Predigious Earthquake & Eruption of Mount Ætna, or Monte-Gibello" (Cambridge: printed by Samuel Green and Marmaduke Johnson, 1669).
[34] From Middlesex County, Massachusetts, *Records of the County Court* I (manuscripts in the office of the clerk, Cambridge) and *Massachusetts Records* IV, pt. ii, p. 93, cited in Duniway, p. 44; and Samuel Green,

Johnson had brought the first private press into Boston, the General Court had been frightened about what kind of licentious filth he might turn out. The court had reacted by restricting printing to Cambridge and reminding printers of the licensing process.[35] After Johnson had spent a great deal of the court's time promising to be good, the court granted him the right to print in Boston,[36] and it appointed a couple of Boston licensers.[37]

With the court on the rampage over licensing practices, licensers felt obliged to let every reader in the colony know exactly what was acceptable for print and what was not. Approving "A Narrative of the Trouble with the Indians" by William Hubbard in 1677, the licensers explained:

> The worthy *Author* of this *Narrative* (of whose Fidelity we are well assured) by his great pains, and industry in collecting and compiling the several Occurrences of this *Indian Warre*, from the Relations of such as were present in the particular Actions, hath faithfully, and truly performed the same, as far as best information agreeing could be obtained, which is therefore judged meet for publick view. . . .[38]

The licensers valued truth and accuracy in printed matter. Proving it did have teeth, the licensing board did check up on Hubbard's reports to ascertain their correctness. As far as the licensers were concerned, their job was quality assurance. Licensing was not a matter of personal favor or arbitrary whim, but almost an editorial function of assuring that a mistaken or lying piece of writing did not find its way into print.

Although the licensing board made it look like any reputable work would be approved, authors found the licensing process distasteful. Hubbard, for one, was afraid colonial governors would censor "A Narrative of the Troubles with the Indians." He was desperate to have the pamphlet published. He'd try anything, even begging and flattery.

Sr., to John Winthrop, Jr., 6 July 1675, in *Collections of the Massachusetts Historical Society*, 5th series, I (Boston: 1792-1905), pp. 422-424. Cited in Duniway, p. 57 note.

[35]General Court action [May?] 1665, *Massachusetts Records*, IV, pt. ii, p. 141. Quoted in Duniway, p. 48.

[36]Petitions by Marmaduke Johnson, various dates, and answers by the General Court, various dates. *Massachusetts Archives*, lviii, pp. 58, 60, 63, and 91. Quoted in Duniway, pp. 50-53, 54-56.

[37]General Court action ,1674, *Massachusetts Records*, V, p. 4. Quoted in Duniway, p. 56.

[38]William Hubbard, "A Narrative of the Troubles with the Indians" (Boston: printed by John Foster, 1677), prefatory statement by the licensers.

He implored the governors of Massachusetts, Plymouth, and Connecticut to allow him to print the "Narrative." Hubbard praised the governors' faithfulness and courage in managing their power and asked them to let the "Narrative" "pass into publick view under the umbrage of your Protection." He assured them everything in the piece was accurate, and he was confident the pamphlet would "meet with a ready Welcome, and suitable entertainment in every honest mind. . . ." In an eloquent statement for the responsibility of free expression, Hubbard added that he had taken "great care . . . to give all and every one, any way concerned in the subject of the discourse, their just due, and nothing more or less. . . ." Although confident his careful reporting technique would be to his benefit, Hubbard did worry that "yet perhaps some critical Leader will not let every sentence pass without some censure or other." However, he was willing to have the licensers' stamp of approval, for it was better for authority to catch any errors before publication. After all, Hubbard pointed out ingratiatingly, a publication was a record to posterity.[39]

Although Hubbard showed that grovelling may have had something to do with acceptance of a work for public printing, he also illustrated the prevailing thought in 1677 about what type of pieces should make it into print. As the licensing process indicated, a literary work had to be truthful and accurate, not only for truth's sake, but also for posterity. As Hubbard pleaded, a news report should also show all sides of the story.

Licensing was accepted in part because Puritans were quite aware that the press wielded a tremendous influence. For example, in a pamphlet entitled "A Publick Tryal of the Quakers in Barmudas," the Puritan Reverend Samson Bond bragged that he had tried and defeated the Quakers in the press. The "tryal" was actually a discussion between Bond and Quakers in Bermuda. The impatient and rude Quakers, Bond said, were "found *Guilty*, they are here *Sentenced*, and brought forth unto the deserved *Execution* of the *Presse*." The so-called trial did not involve a real judge and jury, although the sheriff and

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[39]Ibid., Hubbard's "Epistle Dedicatory."

some justices of the peace were on hand to declare that Bond had bested the Quakers in the argument. No actual execution took place, but Bond saw to it that the losing Quakers dramatically suffered execution by the printed word.[40] He knew that the pathetic Quaker arguments could be spread from remote Bermuda to New England with ink and paper and types. Thus, Bond made plain that the concept of free expression included the right to unearth and humiliate any wrongdoing, especially in the realm of religion.

That attitude was actually indicative of an advance in Puritan toleration. In 1659, Massachusetts had executed two Quakers for persistent proselytizing in the colony.[41] By 1682, Puritans had come to realize that the press had poison in its ink, available to clever and daring authors. The colony allowed that poisonous ink to flow. It was part of the privilege of having a press. It was also more forgiving than executions. Thanks to their thought on freedom of expression, the Puritans were growing more tolerant.

Opposition Political Press

In 1683, the Anglican governor of Massachusetts, Sir Edmond Andros, revoked the colony's charter. After that, Andros did not have the laws printed, and without a charter or laws to guide them, citizens were in legal limbo. Resentment grew. After five years of pressure, the time was ripe for an opposition political press. Religious dissenters had been tolerated for years. Now, religious leaders called for dissent against the government.

Puritan leader Increase Mather led the way. He complained bitterly in a 1688 pamphlet that "the people are at a great loss to *know what* is *Law and what not.*"[42] As far

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[40]Samson Bond, "A Publick Tryal of the Quakers in Barmudas" (Boston: printed by Samuel Green, 1682), title page and pp. 50 and 75.

[41]"A Declaration of the General Court of the Massachusetts Holden at Boston in New-England, October 18, 1659. Concerning the Execution of Two Quakers" (Cambridge: printed by Samuel Green,1659). Ritz cites the broadside, which is no longer extant, on p. 159.

[42]Increase Mather, "A Narrative of the Miseries of New-England, by Reason of an Arbitrary Government Erected *there*, Under Sir *Edmond Andros*" (Boston: printed by Richard Pierce, 1688). This was actually a reprint; the first edition appeared in London, according to *The Andros Tracts, Being a Collection of Pamphlets and Official Papers Issued During the Period Between the Overthrow of the Andros Government and the Establishment of the Second Charter of Massachusetts* I (New York: Burt Franklin, Research and Source Works Series #131, 1868), p. 5.

as Mather was concerned, printing and distribution of certain information such as the law was a basic necessity. Massachusetts residents had long since come to rely on the printing press for the smooth conduct of their everyday affairs. Andros, however, had come to Massachusetts with royal instructions to watch over the press and allow only prints that he approved.[43] In Mather's eyes, Andros had carried out his instructions in the wrong spirit, with far too many restrictions. The press was meant to help the people. It was not a means of keeping people in the dark.

Mather didn't stop there. Andros, he charged, had tried to clamp down on free speech by prohibiting town meetings except for once a year, when people wanted to meet once a week. "But it is easie to penetrate into the Design of this Law," Mather scoffed, "which was (no Question) to keep them in *every Town* from complaining to *England*, of the Oppression they are under. . . ."[44]

In his 1688 "Memorial of the Dissenters," Mather brought shocking charges against the governor of a Puritan colony. Andros did not allow Massachusettsans to worship as they pleased. "As to matters of religion, [the inhabitants] are inhibited the free exercise thereof, for they are not allowed to set dayes for prayer or Thanksgiving. . . ," Mather reported. Andros had actually "told them that hee should then send souldiers to guard them and their meeting-houses too. The worship of the Church of England has been forced into several of their [Puritan] meeting-houses."[45] Such charges were scandalous in the city on a hill. While religion was the boundary which free expression could not cross in Massachusetts, citizens were now using free expression in order to demand free religion.

Other Massachusettsans read, repeated, and reprinted Mather's complaints. Gentlemen of the colony published a 1689 tract protesting once again that laws had not

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[43]Commissions to Massachusetts Governors, *Massachusetts Historical Society Proceedings* (June 1893): 273.
[44]Increase Mather, "A Narrative of the Miseries of New England," in *Andros Tracts* II, p. 5.
[45]Increase Mather, "Memorial of Grievances Presented by Increase Mather to James II," part of "Memorial of the Dissenters of New England" (1688), in *Andros Tracts* III, p. 139, note.

been published.[46] A group of colonists took up arms against the governor. Fifteen men then published a broadside addressed to Andros, advising the governor to surrender for his own good. If he didn't conform, the petitioners warned, the people might take the governmental fortifications by storm.[47]

The opposition prints caused a stern reaction from Andros. He needed to come down hard on rampant anti-governmental expression. Late in 1689, his administration issued an order against seditious publications. It thundered:

> WHEREAS many papers have beene lately printed and dispersed tending to the disturbance of the peace and subversion of the government of this theire Majesties Colonie
> . . . .It is therefore ordered that if any person or persons within this Collony be found guilty of any such like Misdemeanour of printing, publishing or concealing any such like papers or discourses, or not timely discover such things to Authority, . . . they shall be accounted enemies to their Majesties present Government and be proceeded against as such with uttermost severity.[48]

The government's threat notwithstanding, dissenters imprisoned Andros.[49] They were not to be thwarted by an unjust governor who denied them their God.

Meanwhile, Increase Mather had gone to England to plead for a new Massachusetts charter. He saw the press as a means to inform the people back home of exactly how their complaints were playing in London. Without such information, rumors were spreading wildly. In 1689 he issued "The Present State of the New-English Affairs." "This is published," the pamphlet announced dramatically, "to prevent false reports." The press, after all, had a longstanding goal in Massachusetts of spreading truth. The "Present State" proclaimed, among other things, that the king was well pleased with the overthrow of Andros and would have colonists' rights and charter restored.[50]

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[46]"The Declaration of the Gentlemen, Merchants, and Inhabitants of *BOSTON*, and the Country Adjacent" (1689), in *Andros Tracts* I, p.14.
[47]"At the Town-House in Boston: April 18th, 1689" (Boston: printed by Samuel Green, 1689).
[48]"Order against seditious publications" (1689), in *Andros Tracts* III, p.107.
[49]Increase Mather, "The Present State of the New English Affairs" (Boston: printed by Samuel Green, 1689), in *Andros Tracts* II, p. 16.
[50]Ibid, pp. 15-18. Some scholars have thought of "The Present State" as the first newspaper, for it took the form of a newspaper. Although it did contain news, it was apparently not intended to be a periodical.

The Andros affair created much discussion of press freedom. While Massachusettsans had revolted against the government in part for denying them the right to speak freely in both politics and religion, Andros' supporters felt they, too, were denied the right to freedom of expression. In 1690 John Palmer had "An Impartial Account of the State of New England" printed in London as a response to Mather's account of New English affairs. Palmer was disgusted at the attacks on free expression in Massachusetts. He accused:

> *There was so much Industry used in* New England, *by those who had taken upon themselves the Government, that nothing should come abroad which might undeceive the People, already wrought to such a pitch of Credulity, easily to believe the most monstrous Lyes and Follies, that the ensuing Letter could not be Printed without excessive Charge and Trouble; the* Press *being forbid to any that were injur'd, to justifie themselves, though open to all that would calumniate, and abuse them. . . .*

The searing indictment of prevailing Massachusetts press policy went on. Palmer said he had first circulated the now-published piece as a manuscript, which authorities deemed libelous and treasonable. If anyone were caught reading it, he would be severely punished.[51]

Not surprisingly, "John Palmer" was not his real name. He described himself as a maligned citizen who merely wanted to vindicate Andros. Palmer said he had been held ten months in prison without cause in the Andros incident and then was banished to London. He went on the public record "*that the World may see how barbarously we have been used, and most unmercifully dealt withal, by those* Professing People. . . ."[52]

It was a scathing attack. Massachusetts had rarely restricted any but ungodlike speech for 52 years, but under pressure of popular hatred of the government, it appeared the operators of the press were restricting access based on politics. Publishers had once

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[51]John Palmer, "An Impartial Account of the State of New England" (London: 1690), preface, in *Andros Tracts* I, pp. 21-24.
[52]Ibid., p. 24.

tolerated dissenters so that people might better judge the nature of truth, but now it seemed that political dissenters had to resort to the English press.

But Palmer underestimated the liberalism of the Massachusetts press. A few months later his tract was reprinted in Boston under a slightly different title, despite his claim that Boston would never allow it.[53]

Perhaps the opposition to Andros helped pry open the attitude toward religious opposition in Massachusetts, because by 1690, even prints attacking the Puritan church were more tolerated. Henry Glover published "Mr. *Cotton Mather* opposed by a Son of the Church." Glover brashly took on one of Puritanism's most respected young ministers. The Mathers had been church leaders for generations. But unlike so many religious writers before him, Glover did not apologize for attempting to explain the word of God. Instead he said brazenly that Mather had misinterpreted the sacraments. Glover insisted the sacraments had the power to convert the unsaved. Mather thought the opposite.[54]

Likewise, a Boston Anglican had written against the Puritan church in New England, claiming that most Puritans were lax about attending church and were really not interested in being Puritans. Such scandalous words might have brought on the wrath of the council in years past, but by now, Massachusetts thinkers were accustomed to using the public press to fight their wars. Cotton Mather's father Increase lashed back in a piece which was "printed with Allowance." It had some sort of official sanction, although clearly licensers who would allow the opposition piece to get through had long since toned down their degree of control over free expression.[55] Mather's "Vindication of New

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[53]Editorial note in *Andros Tracts* I, p. 23. The notes to the *Andros Tracts* were supplied by W.H. Whitmore.

[54]Henry Glover, "Mr. *Cotton Mather* opposed by a Son of the Church" (Boston: 1690) It is not certain that Glover was the author, and the piece was undated. However, Evans and at least one other bibliographer record the piece as a tract by Glover in 1690. See Evans entry #510.

[55]Increase Mather, "A Vindication of New England" (1690), in *Andros Tracts* II. According to Evans entry #542, "A Vindication" was the duplicate of Evans entry #452. The #452 entry was "printed with Allowance." *Early American Imprints* simply does not repeat the tract at entry #542, instead referring the reader to #452. The *Andros Tracts* version does not include the "printed with Allowance" line. Thus, it may be true that there was no licensing at all on the second version of "A Vindication." However, the two versions appeared only about two years apart, and it is clear that the Puritans of this time frame were

England" said bluntly that the scandalous opposition print was garbage. He said the piece was "a Libell (A *Lie* because False, and a *Bell* because *Loud*), this whole Paper being One Loud *Lie* (sounding from *America* to *Europe*) . . . ." Mather felt that the libelous material was not true, and he offered his opinion that the truth, as explained in his work, would cure the evil work done by libel.[56] By 1690, legal penalties for libel may have been on the books, but the most obvious cure for libel was now the truth, expressed for all the world to see in print.

Mather emphasized that his antagonism toward libel was not mere prudishness. Libel, he said emphatically, violated the ninth commandment restriction against bearing false witness. He accused the writers of the Anglican tract of making light of the commandment.[57] Mather's statement that libelous speech was fundamentally a denial of God pointed out that Massachusetts society, at its roots, still based its outlook and actions toward free expression on God.

The religious texture of New England philosophy explained a renewed restriction on free expression in 1690. In March of that year, the governor and General Court issued a broadside ordering enforcement of existing vice laws. Particularly, the law clamped down on blasphemy, cursing, profane swearing, and lying, as well as gambling and drunkenness.[58]

The act was neither an arbitrary power grab nor a groundless attempt to squelch unpleasant speech. In sad truth, the act was needed because God was punishing the sinning people of Massachusetts. The French had incited repeated Indian attacks against the colony. As if that were not enough, London authorities were renewing their resistance to the negotiations for a new charter. The Massachusetts treasury, meanwhile, was so

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tolerating both "pro" and "con" pieces relating to church, whether the licensing system was firmly in operation or not. "A Vindication" was not signed, but scholars feel that Mather was its author. See Evans entry #542.

[56]Ibid., pp. 32-33, 43-44.

[57]Ibid., p. 39.

[58]"By the Governour & General Court of the Colony of Massachusetts Bay" (Boston: 1690).

stressed that the government took the scary step of issuing paper money.[59] Massachusetts governmental officials sincerely attributed those calamities to people's immoral behavior. God was punishing their sins.[60] To cure the problem, the government felt it *had* to clamp down on unholy speech. The action mirrored a restriction against Quakers in the late 1670s; leaders of Massachusetts had considered their toleration of Quakers to be a sin which God had punished by sending an Indian war.[61] To the governor and General Court of Massachusetts Bay, the colony's very survival depended on curbing any sin, including deviant speech, which would offend God. It was an old, old theme in Puritan-dominated Massachusetts, but an important and sincerely held one.

A half a year after the renewal of the vice laws, Benjamin Harris issued America's first newspaper, *Publick Occurrences, both Forreign and Domestick*. Harris intended the newspaper to be a monthly,[62] but the governor and council squelched the newspaper after one issue. The council was offended that the newspaper was not licensed. *Publick Occurrences* also offered "Reflections of a very high nature" and "sundry doubtful and uncertain Reports."[63] Cotton Mather recorded that the specific "uncertain Reports" were about the Mohawks and about the French king seducing his daughter-in-law.[64] The Mohawks, who were Massachusetts' allies, suffered harshly in *Publick Occurrences;* Harris called them savages and said the colony was foolish to rely on them too heavily. As for the report from France, the short tidbit was a shocking rumor that the king "*used to lie with [his] Sons Wife.*"[65]

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[59]The broadside only cited unnamed calamities which had hit Massachusetts, but Hutchinson detailed the numerous Indian attacks, the treasury experiment, and the ongoing charter disputes all happening about that time. See Hutchinson, pp. 335-344.

[60]"By the Governour & General Court of the Colony of Massachusetts Bay."

[61]Hutchinson, p. 270.

[62]*Publick Occurrences, both Forreign and Domestick* (Boston) 25 September 1690 (printed by Richard Pierce).

[63]"By the Governour & Council" (Boston: 1690).

[64]Cotton Mather to John Cotton, 17 October 1690, in Kenneth Silverman, compiler, *Selected Letters of Cotton Mather* (Baton Rouge: Louisiana State University Press, 1971), pp. 27-28. The Mohawks in this era were called "Maquas."

[65]*Publick Occurrences, both Forreign and Domestick*, 25 September 1690.

Only six months earlier, the government had declared that God had punished sinful speech with Indian wars. Now *Publick Occurrences* had actually printed a rumor on incest, which certainly could be called sinful speech. The paper had also derided Indians, which could lead to another Indian war. Given the fear of sinful expression as shown in March's vice law, perhaps the governor and council were at least partly afraid that *Publick Occurrences* would bring a renewal of God's wrath against sinful expression.

The problems surrounding *Publick Occurrences* ran deeper than just that one fear; the officials mentioned licensing, for instance, and the Mohawk story criticized official policy. Other underlying problems existed as well.[66] But it is not unreasonable to believe that the governor and council had a genuine concern that their duty to the colony included suppression of sin, even in a printed newspaper. The law called for it. So did propriety, and so did God.

Conclusion

As is obvious from their prints from 1638 to 1690, the Puritans were not arbitrary oppressors of free speech. Clearly, they believed that public expression was valuable and necessary. They restricted only ungodlike prints or speeches by heretics and blasphemers. Within the boundaries of godlike expression, Puritans encouraged discussion for the better enlightenment of mankind.

The Puritans were human, of course. Their rule that free expression should be a blessing to society occasionally backfired as people such as John Palmer accused them of silencing free speech. But then again, Palmer was supporting a governor whose basis for governing was the squelching of political expression and the silencing of Puritan religious ministry. Thus, the concept of free speech fell back once again on the necessity for free religion, which was the basis upon which Massachusetts was founded.

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[66]Wm. David Sloan, "The Suppression of America's First Newspaper," (research paper presented at the Association for Education in Journalism and Mass Communication Southeast Colloquium, Stone Mountain, Georgia, March 1992), pp.13-23.

Puritans did restrict the press enough so that Quaker prints which lashed out against New England had to be printed in Philadelphia or London. But nothing else concerning New England's attempts to define the limits of free expression had to be printed outside of the colony.[67] The restrictions on Quakers, however, fit the Puritan concept that free expression should never offend God. To devout Puritans, Quakers were dangerous heretics who had crossed the boundary of free expression by denying true religion.

Many of today's historians, affected by present-mindedness in their understanding of the seventeenth century press, see that Puritans licensed the press, and they see that *Publick Occurrences* disappeared at the hands of the censor after just one issue. In modern terms, licensing and censorship indicate oppression. Thus, historians often jump to the conclusion that Puritans had no interest in free expression.

But that picture of the Puritans is highly flawed. Their printed works showed a toleration and encouragement of free speech and free press within certain limits. Those limits were the boundaries which they sincerely felt were imposed by Almighty God, for whom their colony was built. To the Puritans, religion had to be fundamentally protected. So long as free speech did not abridge religion, free expression was both a treasure and a prize, a tool for learning and a means of debate. The Puritans, who so dearly cherished their religion, were also champions of free expression.

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[67] See Ritz, pp. 159-162, for London prints on one Quaker incident in Massachusetts which was scantily reported in Boston prints. Ritz records just three legal cases from Massachusetts in this era which were published principally in England. The rest were published in America, and as footnote number 3 records, there were few cases printed in America. See also Quaker prints in Philadelphia which had New England replies, such as "The Christianity Of the People commonly Called, Quakers Asserted, Against the Unjust Charge of their being No Christians," (London, reprinted in Philadelphia by William Bradford: 1690), and George Keith, "A Refutation of Three Opposers of Truth, by plain Evidence of the holy Scripture," (Philadelphia: printed by William Bradford, 1690).